

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

April 4, 2007

In the Matter of
Mill River Pipeline, LLC

Docket No. 2007-029
File No. SE70-393
Somerset

In the Matter of
Mill River Pipeline, LLC

Docket No. 2007-030
File No. SE24-445
Fall River

RECOMMENDED FINAL DECISION

The Coalition for Responsible Siting of LNG Facilities filed two separate Notices of Claim for an adjudicatory hearing concerning two wetland file numbers and corresponding Superseding Orders issued by MassDEP. Because a number of required elements of a Notice of Claim were missing, on March 6, 2007 I issued an Order for a More Definite Statement requiring the Coalition to file a) copies of the documents being appealed, presumably the two Superseding Orders of Conditions; b) a statement of sufficient written facts to demonstrate the group's status as a person aggrieved, an abutter or a ten person or residents group; and c) documentation of prior participation in accordance with 310 CMR 1.01(6)(b) and 310 CMR 10.05(7)(j). The



information was required to be filed by March 19, 2007, and the Order warned that dismissal of the claim for failure to prosecute would result if no submission was made.

The petitioners did not file any information in response to the Order. Failure to respond to an Order is an indication that the party does not intend to continue prosecuting the appeal, and may result in the claim's dismissal. 310 CMR 1.01(5)(a)15.f.vi, 1.01(10).

I recommend that this claim for an adjudicatory hearing be dismissed for lack of prosecution under 310 CMR 1.01(5)(a)15.f.vi.

NOTICE

This decision is a Recommended Final Decision of the Presiding Officer. It has been transmitted to the Commissioner for her final decision in this matter. This decision is therefore not a Final Decision subject to reconsideration under 310 CMR 1.01(14)(d), and may not be appealed to Superior Court pursuant to M.G.L. c. 30A. The Commissioner's final decision is subject to rights of reconsideration and court appeal and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this Recommended Final Decision or any part of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in her sole discretion, directs otherwise.

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Ann Lowery
Presiding Officer

Adopted by Acting Commissioner Arleen O'Donnell April 6, 2007.